

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEM YIELD BAHAMAS LIMITED and GEM
GLOBAL YIELD LLC SCS,

Petitioners,

vs.

MULLEN TECHNOLOGIES, INC. and MULLEN
AUTOMOTIVE, INC.,

Respondents.

Case No. 1:24-cv-01120-KPF

Related Case No. 1:23-cv-
11268-KPF

STIPULATION

Petitioners GEM Yield Bahamas Limited and GEM Global Yield LLC SCS (“Petitioners”) and Respondents Mullen Automotive, Inc. and Mullen Technologies, Inc. (“Respondents”) hereby jointly submit this stipulation to address their respective objectives of confirmation or vacatur of the Partial Final Award on Liability (ECF No. 64-7) and the Final Award (ECF No. 72-1, the “Final Award,” and together with the Partial Final Award on Liability, the “Awards”) recently issued in the Parties’ underlying Arbitration, and seek this Court’s approval of their stipulated arrangement.

Following the issuance of the Final Award, the Parties met and conferred regarding how to proceed with respect to (i) Petitioners’ objective to obtain this Court’s confirmation of the Awards, and (ii) Respondents’ objective to oppose confirmation of the Awards and obtain this Court’s vacatur of the Awards. The Parties have agreed that it is in both Parties’ interest, and the interest of judicial economy, to address confirmation and vacatur of the Awards together, in one sequence of summary judgment briefing. Specifically, the Parties stipulate as follows:

1. Petitioners will be deemed to have applied to confirm the Final Award, and moved for summary judgment to confirm the Awards. Petitioners will submit a proposed Form of Judgment in conjunction with their opposition to Respondents' motion for summary judgment.
2. Respondents will move for summary judgment seeking to vacate the Awards (such motion will also be deemed an opposition to confirmation of the Awards) pursuant to the following schedule:
 - a. Respondents' moving papers will be filed on or before June 7, 2024;
 - b. Petitioners' opposition papers will be filed on or before June 28, 2024;
and
 - c. Respondents' reply papers in further support of their motion to vacate and in opposition to Petitioners' motion to confirm the Awards will be filed on or before July 15, 2024.
3. Regarding page length and oral argument: Respondents' opening memorandum of law will not exceed 30 pages; Petitioners' opposition memorandum of law will not exceed 40 pages; and Respondents' reply memorandum of law will not exceed 20 pages. The Parties' summary judgment papers will otherwise comply with the Civil Local Rules and this Court's Individual Rules of Practice in Civil Cases, including as to requests for oral argument.

The Parties respectfully request that the Court approve and so-order the above-stipulation.

Dated: May 20, 2024

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Dated: _____, 2024

SO ORDERED:

United States District Court Judge